

VZCZCXRO6269
PP RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #0542 0561131
ZNY CCCCC ZZH
P 251131Z FEB 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 5897
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

C O N F I D E N T I A L BAGHDAD 000542

SIPDIS

SIPDIS

E.O. 12958: DECL: 02/24/2018
TAGS: [PGOV](#) [IZ](#)
SUBJECT: THE STATE OF JUSTICE IN MAYSAN PROVINCE

Classified By: PRT Team Leader Darrell Jenks for reasons 1.4 (b, d).

11. (U) This is a Maysan PRT reporting cable.

12. (SBU) Summary: Maysan PRT met with Maysan Chief Justice, Ja, afer Mohsin Ali Mahmoud, the province's driving force on rule of law, in order to discuss upcoming training this March. Chief Justice Ja' afer is. Chief Justice Ja, afer highlighted the developing nature of the judiciary in Maysan and stressed the overwhelming need for improvements in infrastructure and judiciary training. Security continues to be a concern for the judiciary. End Summary

13. (SBU) Maysan province has 42 judges and 6 courts. The central court is in Amara city. According to the Chief Justice, the lack of computer and internet access for the judges isolates them and impedes their ability to research cases or clarify legal issues. He feels that poor infrastructure, from the lack of generators in courthouses to shoddy furniture suggests to ordinary Maysanis that the province and its leadership are not serious about rule of law and the judicial system. Justice Ja' afer believes, the courts must command authority, a task which is proving difficult under the present conditions. The Chief Justice and the Governor have asked PRT Maysan to assist in constructing a new courthouse modeled after the one in Basrah. The Chief Justice would like to see the new courthouse built at the entrance of Amara city as a symbol of the primary stature of rule of law.

14. (SBU) The Chief Justice is not originally from Maysan but hails from Wasit, where he was previously the Chief Justice. Baghdad officials assigned Ja, afer to Maysan on the theory that his outside origins would insulate the judiciary from local ties, particularly tribal influence. Asked if Maysanis had accepted his presence, Ja, afer claimed to be generally respected but admitted there were still risks in his situation. The Justice cited the lack of coalition and NGO investment in Maysan, as a key difference between Wasit and Maysan, which contributed significantly to the inferiority of the Maysan court system in comparison to Wasit. Although the province had requested a large increase in Iraqi funding for the judiciary in Maysan, most of the provincial budget was earmarked for repairs and Fuel, he added.

15. (SBU) Training of judges in Maysan is crucial, according to Ja, afer. Some judges have received training from the European Union; the Chief Justice himself spent time in Spain. However, that training dealt with trying terrorists rather than criminal cases. The Chief Justice commented that he was the first judge in Iraq to try a capital punishment terrorism case in Wasit. PRT Maysan is currently working on sending Maysani judges to the Judicial Institute of Jordan (JIJ) for criminal investigations training, with an emphasis on DNA and forensic evidence. The Chief Justice expressed his approval, stating that criminality is the biggest rule of law problem in Maysan. Other areas of concern are murder, corruption, money laundering, fraud, forgery and

counterfeiting.

¶6. (SBU) According to the Chief Justice, conditions in detention centers and prisons, which are segregated by gender and age are better than under the previous regime. There is no overcrowding because cases are processed in a timely manner. The district attorney's office inspects the prison and detention centers along with representatives of the Ministry for Human Rights.

¶7. (SBU) Comment: PRT Maysan believes the Chief Justice to be a potential driving force for Maysani efforts to reform rule of law, including the importance of police professionalism. We find the Justice's requests for PRT and CF assistance to have merit and be consistent with the immediate needs of Maysan Province. PRT Maysan believes the Judge is an important actor in the development of the rule of law in Maysan and his willingness to cooperate with the PRT and to visit the PRT without any accompaniment from the governor's office displays a note worthy degree of independence. This also makes him vulnerable we will have to be wary of drawing too much attention to any of our judicial contacts as it could increase their risk profile - the Chief Justice likened a judge's working environment to that of a mine field. Security continues to be a concern for judges in Maysan. Their personal safety adversely affects the judiciary's ability to remain above the fray. While Judge Ja'afer tries to lead by example and instill courage amongst his colleagues, his worries about his own safety and that of his family were palpable. End Comment.
CROCKER